

From: Ulysses T. Ware

To: The Hon. William H. Pauley, III and the Office of the District Clerk (SDNY)

Date: July 2, 2021

RE: Filing the enclosed pleadings on the 04cr1224 (SDNY) and 05cr1115 (SDNY) dockets.

To: Office of the District Clerk (SDNY) and Judge Pauley:

Please file the enclosed **pleading** and please properly and correctly identify the enclosed as a pleading rather than a "letter":

Re: Exhibit #21 re Former SEC Lawyer Jeffrey B. Norris Undisclosed Brady Exculpatory Credibility Impeachment Evidence: Norris was under investigation by the SEC when he testified for the Government as a FRE 404(b) witness in 04cr1224 (SDNY); the Government's lawyers and District Judge Robert W. Sweet conspired to conceal Norris' own professional 'bad acts'.

on the applicable dockets.

In the future, please serve Mr. Ware via email at utware007@gmail.com with a copy of the Government's filings, as well as all of your orders or directives entered in this matter, due to the slowness of the U.S. Mail.

Paper copy to follow via U.S. Mail.

/s/ Ulysses T. Ware

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Case Nos. 04cr1224 (SDNY) and 05cr1115 (SDNY) (#34)

Submitted on July 2, 2021, by email to: PauleyNYSDChambers@nysd.uscourts.gov
Jonathan_mccann@nysd.uscourts.gov

/s/ Ulysses T. Ware

Ulysses T. Ware, individually, and as
the legal representative for the estate
of third-party surety Mary S. Ware.
123 Linden Blvd., Suite 9-L
Brooklyn, NY 11226
(718) 844-1260 phone
utware007@gmail.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**United States of America, et al.,
Plaintiff, Petitioner,
Cross Respondent,**

v.

**Ulysses T. Ware, et al.,
Defendant, Respondent,
And Cross Petitioner.**

Exhibit #21 to 06.26.21 Supp 1 re Former SEC Lawyer Jeffrey B. Norris Undisclosed Brady Exculpatory Credibility Impeachment Evidence: Norris was under investigation by the SEC when he testified for the Government as a FRE 404(b) witness in 04cr1224 (SDNY); the Government's lawyers (Nicholas S. Goldin, Maria E. Douvas, Michael J. Garcia, Preet Bharara, Joon Kim, Melissa Childs, John M. McEnany, Audrey Strauss, Sarah E. Paul, Katherine Polk-Failla) and District Judge Robert W. Sweet conspired to conceal Norris' own professional 'bad acts' and mental illness.

Certificate of Service

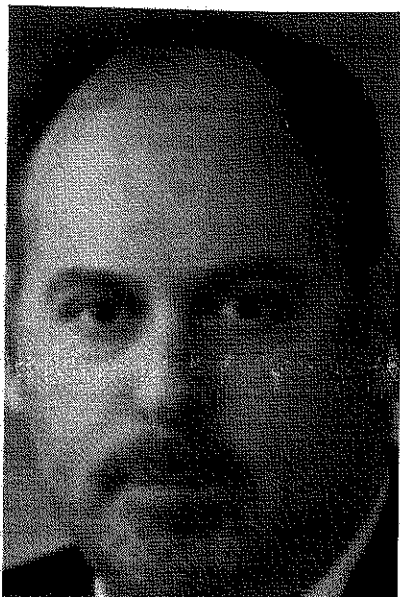
I Ulysses T. Ware certify that I have this 2nd day of July 2021 served the persons listed below with a copy of this pleading:

AUSA Jeffrey R. Ragsdale, Counsel DOJ's Office of Professional Responsibility
AUSA Melissa Childs, USA John M. McEnany, Acting USA Audrey Strauss
USAG The Hon. Merrick Garland

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Exhibit #21-1



UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 67866 / May 24, 2012

ADMINISTRATIVE PROCEEDING
File No. 3-14891

In the Matter of
SPENCER C. BARASCH,
Respondent.

ORDER INSTITUTING ADMINISTRATIVE PROCEEDINGS PURSUANT TO SECTION 45 OF THE SECURITIES EXCHANGE ACT OF 1934 AND RULE 17C(d) OF THE COMMISSION'S RULES OF PRACTICE, MAKING FINDINGS, AND IMPOSING REMEDIAL SANCTIONS

I.

The Securities and Exchange Commission ("Commission") states, it approves this public administrative proceeding, and hereby sets, without prejudice, Spencer C. Barasch ("Respondent" or "Barasch"), pursuant to Section 45 of the Securities Exchange Act of 1934 and Rule 17C(d)(1) of the Commission's Rules of Practice.

II.

In recognition of the institution of these proceedings, Respondent has submitted an Order of Suspension ("Order"), which the Commission has determined is appropriate. Notably, for the purpose of these proceedings, no other proceedings brought by or on behalf of the Commission, or in which Respondent is a party and without admitting or denying the findings herein, except as to the Commission's jurisdiction over Respondent, the subject matter of these proceedings, which are admitted. Respondent consents to the entry of this Order instituting Administrative Proceedings Pursuant to Section 45 of the Securities Exchange Act of 1934 and Rule 17C(d) of the Commission's Rules of Practice, Making Findings, and Imposing Remedial Sanctions ("Order"), as set forth herein.

Rule 17C(d)(1) provides in relevant part, that:

The Commission may censure a person or firm, temporarily or permanently, the privilege of appearing or practicing before it in any way to any person who is found by the Commission after notice and opportunity for hearing to be guilty:

(i) of behaving in a manner or in a way that is prejudicial to the public interest or to the confidence of the public in the securities markets;

Law firm's leaked documents demonstrate how the "revolving door" of SEC culture leaves investors unprotected and makes Wall Street executives rich.

By Murray Waas | Apr 29 2014, 9:30am



Disgraced former SEC lawyers Spencer C. Barasch and Jeffrey B. Norris. Both were fired by the SEC for professional misconduct. Barasch was fined \$50k and suspended from appearing before the SEC for one year. Norris was permanently banned from all employment with the SEC. Both were to be compelled as Brady witnesses by Mr. Ware. Barasch in 05cr1115 and Norris in 04cr1224.

BACKGROUND

Norris was removed from his position as Trial Attorney with the Securities and Exchange Commission ("SEC") based on three incidents of misuse of government equipment by sending unauthorized or inappropriate emails. Pursuant to a collective bargaining agreement, Norris sought arbitration. Norris did not dispute the charges or that his conduct was improper. He contended, however, that removal was not a reasonable penalty for his actions. Norris urged that a lesser penalty was appropriate, among other

Exhibit #21-2

No. 2011-3129 United States Court of Appeals, Federal Circuit.

Relevant Excerpts from Norris v. Sec. & Exch. Comm'n

675 F.3d 1349 (Fed. Cir. 2012)

Decided Apr 10, 2012

I.

Background

Jeffrey B. Norris¹ served as a Trial Attorney with the SEC from February 23, 1992, until he was removed on August 28, 2009.² Before the events leading to his removal, discipline was initiated against Norris for exercising poor judgment and misuse of government email on two separate occasions. ***In 2007, Norris was suspended from service without pay for one day for exercising poor judgment in emailing an attorney who represented a witness in an ongoing SEC case and expressing his opinion about the merits of the case.***

Thereafter, from **March to May 2007**, Norris exchanged a series of antagonistic emails from his SEC email account, and in which he identified himself as SEC trial counsel, with businessman Mark Cuban, owner of the Dallas Mavericks professional basketball team. Based on this exchange, **Norris was suspended without pay for fourteen calendar days due to his misuse of government email.**³

¹ Norris testified for the USAO (SDNY) in 04cr1224 as a FRE 404(b) 'bad acts' witness despite the Government's lawyers (AUSAs Nicholas S. Goldin, Maria E. Douvas, Alexander H. Southwell, Sarah E. Paul, Katherine Polk-Failla, Preet Bharara, Joon Kim, Melissa Childs, John M. McEnany, Audrey Strauss, and Michael J. Garcia) concealing and suppressing Norris' own professional Brady impeachment 'bad acts' evidence. The USAO's lawyers were required to have disclosed Norris' Brady impeachment 'bad act' evidence "prior to trial" as ordered by District Judge Robert W. Sweet in his August 10, 2007, Dkt. 32, Brady order.

² Norris, who was the **alleged** lead counsel for the SEC in the commingled SEC-DOJ Las Vegas 03-0831 (D. NV) litigation, was permanently fired by the SEC on August 28, 2009, for professional bad acts.

³ SEC lawyers Norris and Spencer C. Barasch, both involved in 03-0831 (D. NV), in 2007 both were then under SEC investigation [Brady impeachment credibility evidence] during the pendency of the 05cr1115 case before District Judge William H. Pauley, III. Mr. Ware intended to compel Norris, Barasch, John C. Martin, Stephen Webster, Robert Hannan, Steve Korotash, (the "**SEC Lawyers**") and District Judge Kent J. Dawson, pursuant to the Sixth Amendment Confrontation and Compulsory Process Clause and compel the SEC Lawyers to testify concerning the Brady exculpatory evidence pertaining to why the SEC did not

Norris' removal here was based on three additional emails sent in 2008. On September 11, 2008, Norris sent an email to the Washington Post from his SEC email account in which he identified himself as Senior Trial Counsel and expressed certain political views. On October 19, 2008, Norris

(*1351) sent an email to two supervisors and three members of the support staff in which he demeaned the support staff and implied that they were incompetent at performing their job duties.

Finally, on October 23, 2008, Norris emailed a confidential suspicious activity report ("SAR") to an appointed receiver and his counsel in violation of SEC policies. 1351 1 1 A SAR is a report filed by a financial institution with a federal law enforcement agency in which the institution discloses known or suspected violations of federal law or suspicious monetary transactions.

Because a SAR may result in a criminal investigation, SARs and any information that would reveal the existence of a SAR are required to be kept strictly confidential. See 12 C.F.R. § 21.11.

On May 22, 2009, the SEC sent Norris a notice of proposed removal which proposed to remove him based on the three emails sent in 2008, and recounted the prior emails which had led to the previous disciplinary actions against him. Norris responded, urging that his actions in connection with the 2008 emails were influenced by several personal circumstances, including his wife's becoming fully disabled, his daughter's suffering from Asperger's Disorder, and **Norris's adult Attention Deficit Hyperactivity Disorder ("AD/HD").**⁴

include the 05cr1115 government trial witnesses (Mr. Ware's employees) as defendants in the bogus and pre-textual SEC's Las Vegas 03-0831 (D. NV) litigation. Judge Pauley was bribed by Barasch and his law firm, Andrews & Kruth, LLP, for the entry of a judicial order, Dkt. 35, Jan. 6, 2007, (Pauley, J.), where Judge Pauley willfully, intentionally, egregiously, and maliciously violated Mr. Ware's Sixth Amendment compulsory process rights to compel the SEC Lawyers to testify in 05cr1115 regarding the Brady exculpatory evidence the SEC lawyers involved in 03-0831 (D. NV) litigation, "... The Comm'n believed your and the employees deposition testimony ... and did not believe there was any conspiracy between Mr. Ware and his employees was the reason the employees were not added as defendants in the Las Vegas litigation" (paraphrased) (quoting SEC lawyer Jeffrey B. Norris in an official SEC email to 05cr1115 case's "principal witness" Jeremy Jones), i.e., **material undisclosed Brady exculpatory evidence.**

⁴ Prior to Norris testifying for the Government in 04cr1224, the USAO was required to have disclosed Norris' mental illness [impeachment evidence] to enable Mr. Ware to probe Norris' credibility and competence to give testimony as a witness. The USAO's lawyers (Goldin, Douvas, and Garcia) conspired with the trial judge Robert W. Sweet and concealed and suppressed, **ex parte**, Norris' mental illness from Mr. Ware and the trial jury. An egregious and willful Brady violation.

On August 19, 2009, the deciding official, Rose Romero ("Romero"), informed Norris that she had decided to remove him effective August 28, 2009, ***for misuse of government equipment by sending unauthorized or inappropriate emails***. In the decision, Romero stated that "because of [Norris's] continued inappropriate and/or unauthorized emails [she had] lost confidence that [he could] effectively perform [his] assigned duties." J.A. 118. Romero also noted that she had considered Norris's explanation that his behavior stemmed from his AD/HD and the effect of the medical conditions of his wife and daughter, ***but nevertheless concluded that Norris did "not have the potential for rehabilitation because prior disciplinary actions have not prevented [his] impulsive and improper e-mails."*** *Id.*⁵

The union submitted Norris's removal to arbitration pursuant to the terms of the collective bargaining agreement with the SEC. A hearing was held before an arbitrator on November 18–19, 2010.

There was no dispute that Norris had engaged in the behavior that led to his removal or that his actions constituted improper conduct.⁶ The focus was primarily on whether removal was a reasonable penalty. During the hearing, the arbitrator received testimony from six witnesses, including Romero and Norris.

Although the incident was not mentioned in the notice of proposed removal, **Romero testified** in response to questioning from the agency's counsel **that sometime before the termination proceeding, she had learned that Norris had a confrontation with agency commissioners in 2007⁷ and that he was therefore barred from presenting cases to commissioners in the future.** Romero also testified that Norris's conduct in connection with this incident and the subsequent presentations bar had "a direct impact on how that attorney ... is able to perform his duties." J.A. 139. (emphasis added).

⁵ The SEC believed that Norris was so impaired and unrepairable it concluded that Norris was unfit to be employed as a government lawyer, and was a danger to the public and the internal staff of the SEC.

⁶ Norris conceded that his conduct was inappropriate and did not dispute the SEC's charges against him. Clearly Brady credibility impeachment evidence the USAO was required to have disclosed to Mr. Ware "prior to trial" as ordered by Judge Sweet's August 10, 2007, Brady order, Dkt. 32.

⁷ Norris testified 04cr1224 for the USAO as a purported FRE 404(b) witness regarding the events of the illegal and moot Las Vegas 03-0831 (D. NV) litigation during November 22, 2007.

In mitigation of the charges against him, Norris presented evidence that his personal circumstances had improved in early 2009, ***so that the improper conduct*** was unlikely to recur in the future. Norris testified that his daughter was placed in a special program to cater to her needs due to her Asperger's Disorder and had begun taking a new medication that caused her to show significant improvement, and that his wife's condition had also (*1352) improved. Norris's ***psychiatrist***⁸ testified that Norris began taking medication for his AD/HD in June of 2009,

⁸ The USAO was required to have disclosed that Norris was under the care of a psychiatrist prior to Norris testifying in 04cr1224. Clearly Brady credibility impeachment evidence.

Proof of mailing



Offices of Ulysses T. Ware
123 Linden Blvd.
Suite 9-L
Brooklyn, NY 11226

Mailed on July 2, 2021
US v. Ware, 04cr1224 and 05cr1115. Ex. #21 to 06.26.21 Supp. #1.

**The Hon. Merrick Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave.
Washington, D.C. 20530
Re: U.S. v. Ware, 05cr1115 (SDNY).**



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U.S. Courthouse
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New York, NY 10007**

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